IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.11845 of 1998

Dated: 20-03-2007

Between:

1. Sanjeev Rao, s/o late Madhav Rao,
   aged about 36 years,
   r/o Mailor village,
   Jukkal Mandal,
   Nizamabad District and 12 others.

... Petitioners

and

1. The District Collector, Nizamabad District and 2 others.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* directing respondents to take necessary legal steps for acquiring the lands bearing Sy.No.6Ba & aa, 11,17, 18AB/B, 19, 20/1, Malai Nos.1 to 5 measuring Acs.18-23, 5-08, 5-29, 1-27, 1-07, 0-32, 0-35, 0-21, 0-18, 1-08 and 1-19 cents situated at Mailor village, Jukkal Mandal,

Nizamabad District forthwith.

2. It is the case of petitioners that on account of Koulas Nala Project, their lands including the houses are coming under submergence. In view of the submergence, first respondent issued a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') dated
22-09-1993 proposing to acquire an extent of Acs.261-00 of land out of total extent of Acs.300-13 guntas of land situated in the village.
The respondents have also issued another notification dated 10-01-1998 proposing to acquire the entire houses in the village as they are coming under submergence. The grievance of petitioners is that respondents without conducting survey of the lands and without taking legal steps are trying to acquire the lands in question.

3. This Court, on 28-04-1998 while issuing *Rule nisi,* granted interim direction to respondents to survey the lands in question forthwith and also directed them to file counter affidavit in W.P.M.P.No.14318 of 1998. Despite the said fact, the respondents have not chosen to file any counter affidavit.

4. Heard learned counsel for the parties.

5. May be it is true that the house and other lands belong to the petitioners are taken away by the Government for the purpose of Koulas Nala project, but it does not mean that the respondents acquired the lands belonging to the petitioners forcibly. But at the same time, when once the land and houses of the petitioners are acquired and the land in question is inaccessible, there won't be any purpose in having possession of the said land without there being any

agriculture. Hence, the respondents particularly, the respondents 2 and 3 are directed to hold an enquiry into the allegation that the land in question is inaccessible and also coming under submergence, and if ultimately it is found to be correct,

the authorities may initiate proceedings in accordance with law to acquire the said land. The said exercise shall be done within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.20-03-2007
GLV